IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 19TH SEPTEMBER 2007 / 28TH BHADRA 1929

Bail Appl..No. 5612 of 2007()

[CRIME NO.381/2006 OF CHIRAYINKIL POLICE STATION]

PETITIONER

M.VIJAYAMOHANAN PILLAI, P.O.BOX NO.11957
ABUDHABI, U.A.E.
(PERMANENT RESIDENT OF JAYA NIVAS, SARKARA,
CHIRAYINKIL P.O., THIRUVANANTHAPURAM).

BY ADV. DR.K.P.SATHEESAN
SRI.K.K.GOPINATHAN NAIR
SRI.M.R.JAYAPRASAD
SRI.K.K.RAJEEV
SRI.P.MOHANDAS (ERNAKULAM)

RESPONDENTS: STATE & COMPLAINANT

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1. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. THE SUB INSPECTOR OF POLICE,
CHIRAYINKIL POLICE STATION,
THIRUVANANTHAPURAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.5612 of 2007

Dated this the 19th day of September 2007

O R D E R

Application for anticipatory bail. The petitioner is the husband of a woman who is reported to be missing and in respect of whose disappearance, crime No.381/06 of Chirayinkil police station is registered on the basis of the complaint of the son of the petitioner and the missing woman. Investigation into that crime is pending. This court, in a habeas corpus writ petition, has directed that the investigation in the crime be conducted by the Deputy Superintendent of Police. No clue of the missing woman has been obtained so far.

2. The petitioner is employed abroad. He wants to return to India. He apprehends that he may be arrested by the police.

3. What is the apprehension? The learned counsel for the petitioner clearly asserts that the petitioner does not at all apprehend that he will be arrested in crime No.381/06. The learned Public Prosecutor after taking instructions from the investigating officer submits that, so far, the prosecution has not come to any conclusion that the petitioner needs to be suspected, apprehended or arrested in crime No.381/2006. Investigation is going on in that crime.

4. The petitioner does not have a case that he apprehends arrest on the basis of any complaint lodged or to be lodged by anyone. Of course, the learned counsel for the petitioner submits that it is the information of the petitioner that his wife has taken huge amounts of loans from various local persons and it is to avoid embarrassment arising from such non-payment of liability, that she has absconded. The petitioner now wants to come to India and then make active efforts to trace his wife.

5. Having considered all the submissions of the learned counsel for the petitioner, I find absolutely no reason to issue any directions under Section 438 Cr.P.C. I am certainly not persuaded to agree that any blanket order of anticipatory bail need at all be issued in favour of the petitioner in as much as he does not apprehend arrest in crime No.381/2006 and does not apprehend any arrest specifically on the basis of any complaint/grievance of any specified person. I take note of and record the submission of the learned counsel for the petitioner that the petitioner wants to return to India and make active efforts to trace his wife.

6. This petition is in these circumstances dismissed.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007